

PROFESSIONAL LICENSURE DIVISION[645]

Amended Notice of Intended Action

Proposing rule making related to child abuse and dependent adult abuse mandatory reporter training and providing an opportunity for public comment

The Board of Massage Therapy hereby proposes to amend Chapter 131, “Licensure of Massage Therapists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 232.69, 235B.16 and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amended Iowa Code sections 232.69 and 235B.16, which govern mandatory training in child and dependent adult abuse reporting for certain professionals. This proposed rule making amends the Board’s requirements for mandatory training in child and dependent adult abuse reporting to reflect the statutory changes and requires that licensees who must report child and dependent adult abuse comply with the training requirements every three years, as provided in the amended Iowa Code sections 232.69 and 235B.16. This proposed rule making also updates subrule 131.8(4) to remove a reference to a rescinded rule provision.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 23, 2019, as **ARC 4726C**. The original rule making merely updated the statutory language in light of 2019 Iowa Acts, House File 731, and made no structural changes to the rule. The Board received a public comment requesting that the rule be amended to expressly list the practice settings where massage therapists are required to complete mandatory reporter training. The Board agreed that listing the practice settings in its rules would facilitate compliance with mandatory reporter training requirements, as well as be consistent with the language of the Board’s renewal application. The Board now proposes amendments to its rule not only to reflect the statutory changes of House File 731 but also to list the practice settings identified in Iowa Code chapters 232 and 235B.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 14, 2020. Comments should be directed to:

Tony Alden
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Fax: 515.281.3121
Email: tony.alden@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 14, 2020
8:30 to 9 a.m.

Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 131.8(4) as follows:

131.8(4) Mandatory reporter training requirements.

a. A licensee ~~who, in the scope of professional practice or in the licensee's employment responsibilities, attends, counsels or treats children in Iowa~~ shall indicate on the renewal application completion of ~~two hours of~~ training in child abuse identification and reporting, as required by Iowa Code section 232.69(3) "b," in the previous five three years or condition(s) for waiver of this requirement as identified in paragraph "c." if:

(1) In the scope of professional practice or in the licensee's professional employment responsibilities, the licensee examines, attends, counsels, or treats a child; and

(2) The licensee is employed in any of the following settings:

1. A residential care facility;
2. A nursing facility;
3. An intermediate care facility for persons with mental illness;
4. An intermediate care facility for persons with an intellectual disability;
5. A school;

6. A child care center, registered child development home, or head start program;
 7. A substance abuse program or facility licensed by the Iowa department of public health;
 8. The Glenwood state resource center, Woodward state resource center, mental health institute in Cherokee, mental health institute in Independence, state training school, or Iowa juvenile home;
 9. A juvenile detention center or juvenile shelter care facility;
 10. A foster care facility; or
 11. A mental health center.
- ~~b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting, as required by Iowa Code section 235B.16(5) "b," in the previous five three years or condition(s) for waiver of this requirement as identified in paragraph "e." if:~~
- (1) In the course of employment, the licensee examines, attends, counsels, or treats a dependent adult; and
 - (2) The licensee is employed in any of the following settings:
 1. A residential care facility;
 2. A nursing facility;
 3. An intermediate care facility for persons with mental illness;
 4. An intermediate care facility for persons with an intellectual disability;
 5. A hospital;
 6. An elder group home, as defined in Iowa Code section 231B.1(3);
 7. An assisted living program certified under Iowa Code section 231C.3;
 8. An adult day services program, as defined in Iowa Code section 231D.1(1);
 9. A community mental health center; or
 10. A supported community living service, sheltered workshop, or work activity center.
- ~~c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."~~
- ~~Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course course(s) shall be a the curriculum approved provided by the Iowa department of public health abuse education review panel human services.~~
- ~~d. The licensee shall maintain written documentation for five three years after mandatory training as identified in paragraphs 131.8(4) "a" to "c," including program date(s), content, duration, and proof of participation.~~
- ~~e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:~~
- (1) Is engaged in active duty in the military service of this state or the United States; or
 - (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—Chapter 133 rule 645—4.14(272C).
- ~~f. The board may select licensees for audit of compliance with the requirements in paragraphs 131.8(4) "a" to "e."~~